

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERNEST SMALIS, DESPINA SMALIS,
LIPSOSS CORP CONSTRUCTORS,

Plaintiffs,

v.

CITY OF PITTSBURGH, DEPARTMENT
OF PUBLIC WORKS, MARCO A. MACHI,
CHRISTINE MACHI, and EXERCISE
WAREHOUSE,

Defendants.

) 2:15cv1412
) Electronic Mail
) Judge David Stewart Cercone /
) Chief Magistrate Judge Maureen P. Kelly
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) ECF Nos. 25 and 29
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ORDER

AND NOW, this ⁷⁴19 day of April, 2016, after Plaintiffs Ernest Smalis, Despina Smalis and Lipsoss Corp Constructors, ("Plaintiffs") filed an action in the above-captioned case, and after Motions to Dismiss were filed by Defendants Marco A. Machi, Christine Machi and Exercise Warehouse, ECF No. 25, and City of Pittsburgh and Department of Public Works, ECF No. 29, and after a Report and Recommendation was filed by the United States Magistrate Judge, ECF No. 37, and upon consideration of the Objections filed by Defendants Marco A. Machi, Christina Machi and Exercise Warehouse, ECF No. 38 and the Response thereto filed by Plaintiffs, ECF No. 39, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motions to Dismiss, ECF Nos. 25 and 29, are DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, any allowable appeal from this Order must be filed via notice of appeal as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.



David Stewart Cercone
United States District Judge

cc: Honorable Maureen P. Kelly,
Chief United States Magistrate Judge
Shaheen Wallace, Esquire
Michael E. Kennedy, Esquire
Lourdes Sanchez Ridge, Esquire
Domenic A. Bellisario, Esquire

(Via CM/ECF Electronic Mail)